

ASSEMBLY BILL

No. 1292

Introduced by Assembly Member Bonnie Lowenthal

February 27, 2009

An act to amend Section 34506.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1292, as introduced, Bonnie Lowenthal. Commercial motor vehicles: unsafe vehicles.

Existing law authorizes any member of the Department of the California Highway Patrol to remove from the highway and have placed in a storage facility specified commercial motor vehicles and any motortruck with a gross vehicle weight rating of more than 10,000 pounds, which are in an unsafe condition, or impound a farm labor vehicle operated in violation of specified provisions of law.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 34506.4 of the Vehicle Code is amended
- 2 to read:
- 3 34506.4. (a) ~~Any~~—A member of the Department of the
- 4 California Highway Patrol may remove from the highway and
- 5 have placed in a storage facility, ~~any~~ a vehicle described in
- 6 subdivision (a) of Section 22406; or subdivision (g) of Section

1 34500, ~~and any~~ *or a* motortruck with a gross vehicle weight rating
2 of more than 10,000 pounds; *if the vehicle or motortruck* which is
3 in an unsafe condition.

4 (b) ~~Any~~ A member of the Department of the California Highway
5 Patrol may impound ~~any a~~ farm labor vehicle operated in violation
6 of subdivision (b) of Section 2800, subdivision (a) of Section
7 24002.5, or subdivision (a) of Section 31402, subject to the
8 following requirements:

9 (1) A farm labor vehicle impounded for a first violation of
10 subdivision (b) of Section 2800, subdivision (a) of Section 24002.5,
11 or subdivision (a) of Section 31402 may be released within 24
12 hours upon delivery to the impounding authority of satisfactory
13 proof that the vehicle will be legally moved or transported to a
14 place of repair.

15 (2) A farm labor vehicle shall be impounded for not less than
16 10 days for a second violation of subdivision (b) of Section 2800,
17 subdivision (a) of Section 24002.5, or subdivision (a) of Section
18 31402, or any combination of two of those provisions, if the
19 original equipment or maintenance violation has not been repaired
20 to comply with existing law. The farm labor vehicle shall be
21 released after 10 days upon delivery to the impounding authority
22 of satisfactory proof that the vehicle has been repaired to comply
23 with existing law, or upon delivery to the impounding agency of
24 satisfactory proof that the vehicle will be lawfully moved or
25 transported to a place of repair.

26 (3) A farm labor vehicle shall be impounded for not less than
27 30 days for a third or subsequent violation of subdivision (b) of
28 Section 2800, subdivision (a) of Section 24002.5, or subdivision
29 (a) of Section 31402, or any combination of three or more of those
30 provisions, if the original equipment or maintenance violation has
31 not been repaired to comply with existing law. The farm labor
32 vehicle shall be released after 30 days upon delivery to the
33 impounding authority of satisfactory proof that the vehicle has
34 been repaired to comply with existing law, or upon delivery to the
35 impounding agency of satisfactory proof that the vehicle will be
36 lawfully moved or transported to a place of repair.

37 (c) All towing and storage fees for a vehicle removed under this
38 section shall be paid by the owner.

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